ZONING BY-LAW

for the

TOWN OF ARLINGTON

MASSACHUSETTS

as amended to

JUNE, 1960

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ZONING BY-LAW
FOR THE
TOWN OF ARLINGTON
MASSACHUSETTS

PURPOSE

The purpose of this by-law is to promote health, safety, convenience, morals and welfare of the inhabitants of the Town of Arlington; to lessen congestion in the streets; to conserve health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the town; and to preserve and increase the amenities of the municipality.

DISTRICTS

Section 1. Establishment of Districts

For the purposes of this by-law, the Town of Arlington is hereby divided into districts of seven classes, to be known as:

1. Residence A Districts
2. Residence B Districts
3. Residence C Districts
4. Residence D Districts
5. Business A Districts
6. Business B Districts
7. Industrial Districts

Said districts are as shown, defined and bounded on the Map accompanying this by-law, entitled "Zoning Map of the Town of Arlington, Massachusetts, prepared under the Direction of the Planning Board", dated March, 1959, signed by the said Board, or as thereafter amended, and on file with the Town Clerk. Said Map and all explanatory matter thereon are hereby made a part of this by-law.

Section 1-A. District Boundaries

The location of the boundary lines of the districts shown upon the Zoning Map shall be determined as follows:

1. Where the boundary lines are shown upon said map within the street lines of public or private ways, the center lines of such ways shall be the boundary lines.

2. Where the boundary lines are shown approximately on the location of property or lot lines; and the exact

location of property, lot or boundary lines is not indicated by means of figures, then the property or lot lines shall be the boundary lines.

3. Boundary lines located outside of such street lines and shown aproximately parallel thereto shall be regarded as parallel to such street lines; and figures placed upon said map between such boundary lines and street lines are the distances in feet of such boundary lines from such street lines, such distances being measured at right angles to such street lines unless otherwise indicated.

4. In all cases which are not covered by the other provisions of this Section, the location of boundary lines shall be determined by the distance in feet, if given, from other lines upon said map, or, if distances are not given, then by the scale of said map.

5. Whenever any uncertainty exists as to the exact location of a boundary line, the location of such line shall be determined by the Inspector of Buildings, provided, however, that any person aggrieved by his decision may appeal to the Zoning Board of Appeals, as provided in Section 4.

ADMINISTRATION AND ENFORCEMENT

Section 2. Enforcement

1. This by-law shall be enforced by the Inspector of Buildings appointed under the building code of the Town of Arlington, and no permit shall be granted for the construction, alteration, re-location or use of any building or structure, if the building or structure as constructed, altered, relocated or used would be in violation of any provision of this by-law. Whenever such permit or license is refused because of some provisions of this by-law, the reason therefor shall be clearly stated in writing.

2. If the Inspector of Buildings shall be informed, or have reason to believe, that any provision of this by-law has been, is being or may be violated, he shall make or cause to be made an investigation of the facts and inspect the property where the violation may exist. If he shall find any such violation he shall give notice thereof in writing to the owner or to his duly authorized agent and to the occupant of the premises, and order that any use of any building contrary to the provisions of this by-law shall immediately cease.

3. If, after such notice, the premises are continued to be used in a manner contrary to the provisions of this by-

law, or if any such owner or occupant shall fail to obey any lawful order of the Inspector of Buildings in respect to any violation or use contrary to the provisions of this by-law, the Inspector of Buildings with the approval of the Board of Selectmen may, and if required by them shall, institute appropriate legal proceedings to enforce the provisions of this by-law or to restrain by injunction any violation thereof, or both, and shall do all further acts, revoke the permit for occupancy, institute and take any and all such action as may be necessary to enforce the provisions of this by-law.

Section 3. Occupancy Permit

1. No building hereafter erected, altered substantially in its use or extent or relocated shall be used, and no change shall be made of the use of any building or of any parcel of land, unless an occupancy permit signed by the Inspector of Buildings has been granted to the owner or occupant of such land or building. Such permit shall not be granted unless the proposed use of the land and building and all accessory uses comply in all respects with this by-law and no use shall be made of such land or building that is not authorized by such occupancy permit.

Section 4. Zoning Board of Appeals

1. A Zoning Board of Appeals is hereby established, to consist of three members to be appointed by the Board of Selectmen. All members of said Zoning Board shall be residents of the Town of Arlington, and one member shall be an Attorney-at-Law, and at least one of the remaining members shall be a registered architect or a registered civil engineer. The appointments first made shall be for the term of one, two, and three years respectively, so that the terms of one member shall expire each year. All subsequent appointments shall be for the term of three years. When the appointments are first made the Board of Selectmen shall also appoint two associate members for the term of two years each, such associate membership to be appointed every second year. No member shall act in any case in which he shall be interested, and in case any member or members shall be so disqualified, or because of absence from the town, or any other cause, he or they shall be unable to act, the remaining member or members shall, in a written statement, filed with the secretary, so certify, and name an associate member or members to act upon the particular matter. Whenever said associate member or members shall serve, he or they shall have all the powers conferred upon a regular member. If two or more members are absent or disqualified, the Board of Selectmen

may appoint substitutes to act during such absence or disqualification. The said Zoning Board of Appeals shall organize yearly, choosing a chairman and a secretary.

2. The Board shall adopt rules, not inconsistent with the provisions of the by-laws of the Town, for conducting its business and otherwise carrying out the purposes of the Zoning by-laws. Meetings of the Board shall be held at the call of the chairman, and also when called in such manner as the board shall determine in its rules. Such chairman, or in his absence the acting chairman, may administer oaths, summon witnesses and call for the production of papers. All hearings of the Board shall be open to the public. The Board shall cause to be made a detailed record of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and setting forth clearly the reason or reasons for its decisions, and of its other official actions, copies of all of which shall be immediately filed in the office of the town clerk and shall be a public record, and notice of decisions shall be mailed forthwith to parties in interest as hereinafter designated.

3. Any person aggrieved by the refusal of the Inspector of Buildings to issue a permit or license on the grounds of noncompliance with the Zoning by-laws may appeal to the Zoning Board of Appeals as provided in Chapter 40A of the General Laws and any amendments thereto.

4. No appeal or petition and no application for a special exception to the terms of this by-law which has been unfavorably acted upon shall be considered by the Zoning Board of Appeals within two years after the date of such unfavorable action except with the consent of all the members of the Planning Board.

5. Any person or persons desiring to obtain the permission of the Zoning Board of Appeals for any purpose for which such permission is required under the provisions of this by-law shall make application in writing therefor to the Zoning Board of Appeals which shall, within a reasonable time, hold a public hearing thereon. Notice of such hearing shall be given by publication in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication to be not less than twenty-one days before the day of the hearing.

6. The Zoning Board of Appeals shall also, at least ten days prior to the hearing, send notice by mail, postage prepaid, to the petitioner, to all the owners of real estate opposite to or abutting on the property in connection with which any permission is sought, to the owners of all property deemed by the Board to be affected thereby, as they appear on the most recent local tax list, and to the Planning Board, and shall at least ten days before the hearing, post a notice of the hearing upon the property.

in a conspicuous location, adjacent to a street on which the property is situated, stating the nature of the petition in connection with which permission is sought. A copy of this notice shall be posted on the Bulletin Board at the Town Hall.

7. In the case of an appeal involving a change in use of land or building the Zoning Board of Appeals shall hold a joint meeting with the Planning Board to discuss the matter, preferably before the date of the public hearing or in any event before final action is taken by the Zoning Board of Appeals.

Section 4-A. Exceptions and Variances

1. The Zoning Board of Appeals may on petition, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the by-law in harmony with its general purpose and intent, in the following cases:

(a) It may permit in a Residence A District the alteration of a single family dwellng as a residence for not more than two families, provided that the external appearance of a single family dwelling be retained so far as reasonably practical.

(b) It may permit in a Residence A District or B District a hospital, sanitarium or other medical institution.

(c) It may permit the rebuilding, repair or extension of a non-conforming use as provided in Section 7, Paragraph 3.

(d) It may permit in any District a particular use hereinafter specifically set forth as being permissible in the class of District in question if approval of said Board be obtained.

2. The Zoning Board of Appeals may also authorize variances in particular cases as provided in Section 13 to and including 21 of Chapter 40-A of the General Laws or acts in amendment thereof and in addition thereto. The grant of such variances may be of indefinite duration, or for periods not exceeding one year. Such temporary grants of variances may be renewed from time to time, except that in the case of a new building or of an addition to an existing building, the aggregate of the periods covered by such temporary grants and the extensions thereof shall not exceed two years.

Section 5. Amendments

1. A copy of every petition for the amendment, modification or repeal of this by-law, including the Zoning Map and

the boundary lines of the districts thereon, and of every article submitted or to be submitted to the Selectmen for insertion in the warrant for any Town Meeting relating to any such amendment, modification or repeal, shall be filed with the Planning Board on or before the date when such article is submitted to the Selectmen for insertion in the warrant.

2. The Planning Board, upon the request in writing of not less than ten registered voters of the Town shall, or upon its own initiative may, hold a public hearing for the consideration of any proposed amendment, modification or repeal of this by-law, provided that where a petition is filed such petition shall show that copies of the petition have been sent by registered mail to all abutters of the land referred to in the petition. The Planning Board shall report to the Town Meeting its recommendations with respect to the action to be taken thereon. Notice of such hearing shall be given by publication in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication being not less than twenty-one days before the day of such hearing.

3. No action shall be taken at any Town Meeting upon any proposed amendment, modification or repeal of this by-law unless a public hearing has been held thereon in the manner prescribed in the preceding paragraph, and the recommendations of the Planning Board have been reported to the Town Meeting, or twenty days have elapsed after such hearing without a submission of a report of its recommendations by the Planning Board have been reported to the Town Meeting, or twenty days have elapsed after such hearing without a submission of a report of its recommendations by the Planning Board to the Town Meeting; and no amendment, modification or repeal of this by-law shall be made except by two-thirds vote of a town meeting.

4. No proposed amendment to this by-law which has been unfavorably acted upon by the Town Meeting shall be considered on its merits within two years after the date of such unfavorable action unless the adoption of such an amendment is recommended in the final report of the Planning Board required by Section 6 to and including 9 of Chapter 40-A of the General Laws.

GENERAL PROVISIONS

Section 6. Definitions

1. Unless otherwise expressly stated, the following terms shall for the purpose of this by-law, have the meanings indicated.

2. Words used in the present tense include the future. Words used in the masculine gender include the feminine and neuter; and in the feminine or neuter, the masculine. Words used in the singular number include the plural; and in the plural, the singular. "Lot" includes "plot"; "building" includes "structure"; "occupied" includes "designated or intended to be occupied"; and the "used" includes "designated or intended to be used".

"Accessory Use" — Is the use of a building or premises for a purpose customarily incidental to a use permitted in the district in which it is located .

"Alteration" — A change in a building which modifies its location, plan, manner of construction or the kind of materials used or in any way varies the character of its use.

"Apartment" — A portion of a building used as a dwelling by one family.

"Apartment House" — Any building containing three or more apartments.

"Basement" — That part of a building which has more than one-half of its clear height below the level of the finished grade.

"Boarding House (Home)" — A house in which a regular service of meals is furnished for persons for a remuneration.

"Building, existing" — A building already erected upon the effective date of this by-law.

"Building, New" — A building erected after the effective date of this by-law.

"Building, line" — The line established by law, beyond which a building shall not extend, except as specifically provided by law.

"Commercial Vehicle" — Any truck, tractor, cart or wagon, whether or not marked to indicate a business use, as well as any passenger car on which is painted or otherwise permanently affixed any writing to designate the business use or affiliation of the said car in the business, profession or occupation of the owner or user, shall be deemed to be a commercial vehicle for the purposes of this by-law.

"Corner lot" — Is a lot at the junction of and fronting on two or more intersecting streets or ways. Only that portion of the lot having a frontage on any one street of 150 feet or less shall be considered a corner lot. On a corner lot the front yard set back requirements must be complied with on each street.

"Court" — An unoccupied space other than a yard, inclosed on three or more sides and on the same lot as the building, but open to the sky, unobstructed by roof, sky-light or other appendages. A court which extends to the street, rear yard, front yard or side yard is an "Outer Court"; a court that does not thus extend is an "Inner Court".

"Duplex House" — Is a house containing two apartments adjoining side by side; that is, in which no part of one apartment is over any part of the other apartment. A duplex house shall be considered as one main building occupying one lot for the purpose of determining yard requirements.

"Dwelling" — A house or building or portion thereof which is occupied by one or more families doing their cooking on the premises.

"Family" — Is a number of individuals living together as a single housekeeping unit and doing their cooking upon the premises.

"Front Yard" — Is a space across the full width of the lot and extending from the front line of the building on such lot to the front line of such lot.

"Frontage" — The front part of a building or lot abutting on a public or private way. A corner lot fronts on the street on which it is numbered.

"Garage" — Any building, or part thereof, wherein is kept or stored one or more motor vehicles, or wherein the painting, repairing or greasing of motor vehicles is performed.

"Garage, private" — A garage in which no business or industry connected directly or indirectly with motor vehicles is carried on and in which only passenger cars are housed.

"Gross Floor Area" — The gross floor area of a building is the total area of all floors, including basement and mezzanines, measured to the exterior walls of the building, and including partitions, stairhalls, corridors and covered porches.

"Half Story" — Is any story which is under a sloping roof, where the point of intersection of the tops of the rafters and the face of the wall is less than three (3) feet above the floor level.

"Height of Building" — Is the vertical distance of the highest point of the roof above the mean finished grade of the ground adjoining the building, excluding penthouses, bulkheads and other allowable superstructures above the roof.

"Lot" — Is the parcel of land on which a Principal building

and its accessories are placed, together with the required open spaces.

"Lot Line" — Is a division line between adjoining properties or a division line between individual lots established by a plan filed in the Registry of Deeds or Land Court.

"Occupancy" — Use or occupancy of a building, character of use, or designated purpose of a building or structure or portion thereof.

"Penthouse" — Is a small structure built upon the roof.

"Rear Yard" — Is a space across the full width of a lot and extending from the rear foundation line of the building located on such lot to the rear line of such lot.

"Rooming or Lodging House" — A house in which a business is made of renting rooms.

"Sanatorium or Sanitarium" — An establishment for reception and treatment of invalids or convalescents where conditions are favorable and beneficial to the patient.

"Side Yard" — Is a space extending from the front yard to the rear yard between a building and the adjacent side line of the lot on which said building is located.

"Story" — That part of a building between any floor and the floor or roof next above.

For the purpose of this by-law, where a building is not divided into stories, a story shall be considered fifteen feet in height, provided that steeples, penthouses, cupolas, stage lofts, etc., shall not be considered as additional stories. A basement or cellar, the ceiling of which extends more than four feet, six inches above the average finished grade, shall be a story within the meaning of this by-law.

"Street Line" — The dividing line between a street and a lot.

"Two-Family House" — Is a house containing two apartments, in which part of an apartment is over part of the other apartment. (See Duplex House.)

Section 7. Non-Conforming Buildings and Uses

1. This by-law and any amendment thereof shall not apply to buildings existing at the time of its taking effect or to the existing use of buildings or land.

2. If any building existing at the time this by-law takes effect is then legally used in whole or in part for a purpose

for which a new building may not be constructed or used under the provisions of this by-law, this by-law shall not prohibit the changing of such use of such building or part to a use which is not substantially different from the existing use, provided the building is not altered structurally and provided further that the new use is not prohibited in the most restricted zone in which the present use would be permitted. However, no non-conforming use which is changed to a conforming use shall be permitted to revert to a non-conforming use.

3. Any building or part of a building which, at the time of the adoption of this amendment, is being legally put to a use not conforming with the regulations of the district in which it is situated may continue to be used for the same purpose or for purposes not substantially different, and may be repaired; but no nonresidential building, if destroyed to the extent of 75% of its value above the foundation, shall be rebuilt for non-conforming use. No non-conforming building shall be extended or enlarged except by permission of the Zoning Board of Appeals. The Zoning Board of Appeals may grant permission if such rebuilding, extension or enlargement would be in harmony with the general purpose and intent of this by-law, and not otherwise.

Section 8. Use of land

The use of land for any purpose other than those specifically provided for in these by-laws is hereby forbidden. No sod, loam, sand, gravel or quarry stone shall be removed for sale (except when incidental to and in conformity with the construction of a building for which a permit has been issued in accordance with the Building Laws,) except by permission of the Zoning Board of Appeals, such permission being obtained in accordance with the procedure provided in Section 4 and only when such permission would be in harmony with the general purpose and intention of this by-law and under such conditions as the Zoning Board of Appeals may impose. However, nothing contained in this section, or any amendment thereof, shall prevent the continued use of any land for the purpose for which it is legally being used at the time this section or any amendment thereof takes effect.

Section 9. Restrictions Affecting All Districts

No new building or part thereof shall be constructed or used, and no premises shall be used, and no building or part

thereof shall be altered, enlarged, reconstructed, or used under the conditions designated as (a) and (b) of this section in any part of the town.

(a) For any purpose which by the emission or discharge of fumes, vapor, gas dust, offensive odors, chemicals, poisonous fluids, or substances, refuse, organic matter or excrement, the causing of noise or vibrations, or by unduly increasing the risk from fire or explosion, or otherwise, would be dangerous or injurious to the public health or safety.

(b) For any purpose which would be for any reason injurious to the health, safety, morals or welfare of the community or harmful to property therein.

Section 10. Access and Parking for Business and Industrial Buildings

No driveway or other means of access for vehicles other than a public street and no parking space for private automobiles or commercial vehicles shall be maintained or used in any residence district to serve business or industrial buildings located in a business or industrial district.

Section 11. Corner Clearance in Residential Districts

Between the property lines of intersecting streets and a line joining points on such lines twenty feet distant from their point of intersection or in the case of a rounded corner, the point of intersection of their tangents, no building or structure in any residence district may be erected and no vegetation other than shade trees may be maintained between a height of three feet and seven feet above the plane through their curb grades.

Section 12. Reduction of Lot Area

No lot on which is located any building used for residence purposes in any district shall be reduced or changed in area or shape so that the building or lot fails to comply with the provisions of this by-law. This section, however, shall not apply in the case of a lot a portion of which is taken for a public purpose.

Section 12-A. Location of Private Garages

Private garages shall be located not less than five feet from any other building except that such garages of first or second class fire protected construction may be located adjacent to any other building.

Section 12-B. Restrictions Affecting All Residence Districts

The storage or keeping of not more than one commercial vehicle in a private garage accessory to a dwelling shall be allowed if owned or used by a person residing in such dwelling. In no case, however, shall the regular open-air parking of any commercial vehicle be permitted in any residence district except with permission of the Zoning Board of Appeals.

RESIDENCE A DISTRICTS

Section 13. Use Regulations

In the Residence A districts, no new buildings or part thereof shall be constructed or used and no building or part thereof shall be altered, enlarged, reconstructed or used, and no land shall be used for:

(a) Any industry, trade, manufacturing or commercial purposes:

(b) Any purpose except one or more of the following:

1. Single family detached dwelling house
2. Physician's (M.D.) office in residence
3. Farm (except the raising of livestock or poultry) or market garden but in no case shall goods or produce be sold that are not the natural products of the premises in question.
4. Such accessory purposes as are customary or usual in connection with any of the foregoing purposes and are incidental thereto, including a private garage for not more than two cars.
5. Church, school (except a music, dancing or riding academy) library or museum, hospital, sanitorium (or other medical institution) or a public utility building, provided the approval of the Zoning Board of Appeals is obtained in the manner set forth in Sections 4 and 4A. In no case, however, shall a public utility building be used for the general garaging or dispatching of automobiles or for the storage of materials for construction or maintenance purposes.

Section 13-A. Area Regulations

1. Lot Area. In the Residence A districts, no lot shall have a frontage of less than sixty feet or an area of less than six thousand square feet and no building or buildings on any

one lot including garages, stables and other accessory buildings, shall be constructed, altered, enlarged, reconstructed or moved, so as to have an average gross floor area per story of more than 35 per cent of the area of the lot, provided, however, that this restriction shall not prohibit the erection of a private garage for not more than two cars which is accessory to and used with a building existing when this by-law takes effect and used as a residence for a single family.

2. Building Area. No one-story house shall have a floor area of less than 700 square feet. No house more than one story in height shall have a first floor area of less than 500 square feet or a second floor area of less than 250 square feet. Of the second floor area at least 125 square feet must have a clear head room of 7 feet.

Section 13-B. Height and Area Regulations

The height and area regulations in the Residence A district are hereby established as set forth in the "Schedule of Height and Area Regulations" attached hereto.

RESIDENCE B DISTRICTS

Section 14. Use Regulations

In the Residence B districts, no new building or part thereof shall be constructed or used and no building or part thereof shall be altered, enlarged, reconstructed or used, and no land shall be used for:

(a) Any industry, trade, manufacturing or commercial purpose;

(b) Any purpose except one or more of the following:

1. Any use which is permitted in a Residence A district.
2. Two-family or duplex houses.
3. Such accessory purposes as are customary or usual in connection with two-family or duplex houses and are incidental thereto, including a private garage for not more than two cars.

Section 14-A. Area Regulations

1. Lot Area. In the Residence B districts, no lot shall have a frontage of less than sixty feet or an area of less than six thousand square feet and no building or buildings on any one lot, including garages, and other accessory buildings,

shall be constructed, altered, enlarged, reconstructed or moved so as to have an average gross floor area per story of more than 35 per cent of the area of the lot, provided however, that this restriction shall not prohibit the erection of a private garage for not more than two cars which is accessory to and used with a building existing when this by-law takes effect and used as a residence.

2. Building Area. (a) No one-family, one-story house shall have a floor area of less than 700 square feet. No one-family house more than one story in height shall have a first floor area of less than 500 square feet or a second floor area of less than 250 square feet. Of the second floor area at least 125 square feet must have a clear head room of 7 feet.

(b) No duplex house shall have a floor area of less than twice that required for one-family buildings, as stated in the preceding paragraph.

(c) No two-family house shall have a floor area of less than 700 square feet per family unit, including stairways.

Section 14-B. Height and Area Regulations

The height and area regulations in the Residence B districts are hereby established as set forth in the "Schedule of Height and Area Regulations" attached hereto.

RESIDENCE C DISTRICTS

Section 15. Use Regulations

In Residence C districts, no new building or part thereof shall be constructed or used and no building or part thereof shall be altered, enlarged, reconstructed or used, and no land shall be used for:

(a) Any industry, trade, manufacturing or commercial purpose;

(b) Any purpose except one or more of the following:

1. Any use which is permitted in a Residence B district.
2. Apartment House
3. Boarding house or lodging house
4. Such accessory purposes as are customary or usual in connection with any of the foregoing

purposes and are incidental thereto, including a private garage.

Section 15-A. Building Coverage and Court Regulations

1. In the residence C districts, no building or buildings including garages shall be constructed, altered, enlarged, reconstructed or moved in such a way as to cover more than 30 per cent of the area of the lot for a building five stories in height, or more than 35 per cent for a building of four stories or less.

2. Inner courts shall not be permitted in any building. Outer courts shall have a minimum width of 25 feet or two-thirds the average height of the walls surrounding the court, whichever is the greater. In no case shall an outer court have a depth greater than its width unless such width exceeds 50 feet, in which case the maximum depth permitted shall be one and one-half times the width.

Section 15-B. Parking Spaces

In the Residence C districts, automobile parking spaces shall be required off-street on land associated with each residential structure containing dwellings for three or more families erected after the date of adoption of this amendment. Such accessible and usable spaces, including space for entrances, exits, and driveways, in said off-street parking area shall be available at the ratio of at least 300 square feet of space (open or covered) for each dwelling unit in each such structure. Such off-street spaces shall not be within 15 feet of any street line nor in the front yard of any building unless within an underground or basement garage not opening directly onto the frontage street. All parking facilities so provided are to be for the exclusive use of residents of the property or their guests.

Section 15-C. Height and Area Regulations

The height and area regulations in the Residence C districts are hereby established as set forth in the "Schedule of Height and Area Regulations" attached hereto. Single and two-family houses constructed in a Residence C district shall be required to conform to the minimum area and yard requirements of the Residence B districts.

RESIDENCE D DISTRICTS

Section 15-1. Use Regulations

In Residence D districts, no new building or part thereof

shall be constructed or used and no building or part thereof shall be altered, enlarged, reconstructed or used, and no land shall be used for:

(a) Any industry, trade, manufacturing or commercial purpose;

(b) Any purpose except one or more of the following:
   1. Any use which is permitted in a Residence A district.
   2. Apartment House
   3. Such accessory purposes as are customary or usual in connection with any of the foregoing purposes and are incidental thereto, including a private garage.

Section 15-2. Building Coverage and Court Regulations

1. In the Residence D districts, no building or buildings including garages shall be constructed, altered, enlarged, reconstructed or moved in such a way as to cover more than 35 per cent of the area of the lot.

2. Inner courts shall not be permitted in any building. Outer courts shall have a minimum width of 50 feet. In no case shall an outer court have a depth greater than one and one-half times its width.

Section 15-3. Parking Spaces

In the Residence D Districts, automobile parking spaces shall be required off-street on land associated with each residential structure containing dwellings for three or more families erected after the date of adoption of this amendment. Such accessible and useable spaces, including space for entrances, exits, and driveways, in said off-street parking area shall be available at the ratio of at least 300 square feet of space (open or covered) for each dwelling unit in each such structure. Such off-street spaces shall not be within 15 feet of any street line nor in the front yard of any building unless within an underground or basement garage not opening directly onto the frontage street. All parking facilities so provided are to be for the exclusive use of residents of the property or their guests.

Section 15-4. Height and Area Regulations

The height and area regulations in the Residence D districts are hereby established as follows:

Height 50 feet — four stories

Front yard min. depth in feet	35 feet
Side yard min. width in feet	25 feet
Rear yard min. depth in feet	25 feet
Maximum occupancy in per cent	35 per cent

Single family houses constructed in a Residence D district shall be required to conform to the minimum area and yard requirements of the Residence A districts.

Where a building faces one or more streets, each such face shall be considered the front in determining set back requirements.

BUSINESS A DISTRICTS

Section 16. Use Regulations

In the Business A districts, no new building or part thereof shall be constructed or used and no building or part thereof shall be altered, enlarged, reconstructed or used and no land shall be used for any purpose except the following:

(a) Any purpose which is authorized or may be permitted in the Residence C districts.

(b) One or more of the following uses:

1. Store, salesroom or showroom for the conduct of retail business
2. Wholesale showroom, with storage limited to floor samples only
3. Restaurant or other place for the serving of food or beverages, provided that no dancing and no mechanical or live entertainment is regularly furnished unless permitted by the Zoning Board of Appeals as hereinafter authorized.
4. Any of the following personal or consumer service establishments: barber shop or beauty parlor, clothing rental establishment, collection station for laundry or dry cleaning, dressmaking or millinery shop, funeral home, hand or self-service laundry, interior decorating studio, photographic studio.
5. Business or professional office or agency, bank or other financial institution.
6. Public or semi-public building.
7. Automobile parking lot.

(c) One or more of the following additional uses, provided the approval of the Zoning Board of Appeals

is obtained in the manner set forth in Section 4 and 4A:

1. Public garage or gasoline filling station.
2. Hotel or motel.
3. The regular furnishing of entertainment at a restaurant or similar place.
4. Theater, meeting hall, club house, dancing or music academy, or other indoor place of amusement or assembly.
5. Any other purpose which the Zoning Board of Appeals shall specifically find is of the same general character as any of the foregoing purposes authorized or permissible in the district.

(d) Such industry, trade or light manufacturing as is customary or usual in connection with, or is part of, any of the purposes authorized or permitted under the provisions of this Section and is incidental thereto, if such industry is carried on in the same building or in other buildings on the same premises as the business or use with which it is connected, provided, however, that:

1. No industry, trade or light manufacturing shall be carried on in a business district which is prohibited or not authorized in the industrial districts, or is dangerous to the vicinity because of possible fire, explosion or other cause.

2. The total floor space which may be used for such industry, trade or light manufacturing, including processing, repair work, and the storage of materials and equipment for off-premises use, shall not exceed a total area of two thousand (2000) square feet per establisment (whether on the same or adjoining lots), unless permission of the Zoning Board of Appeals is obtained in the manner provided in Section 4 and 4A for the use of such additional floor space as they shall specify.

(e) Such other accessory purposes as are customary or usual in connection with any of the foregoing purposes and are incidental thereto.

Section 16-A. Building Coverage and Court Regulations

In the Business A districts, all buildings used for residential purposes shall conform to the building coverage and court regulations as set forth in Section 15-A for Residence C districts, except that where a particular business district

has a maximum dimension of less than 500 feet and is bounded on all sides by a Residence A and/or Residence B district, the coverage and court regulations as set forth in Section 15-2 for Residence D districts shall apply instead.

Section 16-B. Height and Area Regulations

The height and area regulations in the Business A districts are hereby established as set forth in the "Schedule of Height and Area Regulation" attached hereto. All buildings in the Business A districts used for residential purposes shall conform to the yard regulations as set forth for Residence C districts, except that where a particular business district has a maximum dimension of less than 500 feet and is bounded on all sides by a Residence A and/or Residence B district, the yard regulations as set forth for Residence D districts shall apply.

Section 16-C. Enclosure of Uses

In the Business A districts, all uses which are authorized or may be permitted, and all uses accessory thereto, shall be conducted wholly within a completely enclosed building, except the following:

1. Uses which are authorized or may be permitted in in the Residence C districts.
2. Plants growing in the soil.
3. Automobile parking lots.
4. Exterior signs.
5. Exterior lights, if so arranged as to reflect away from streets and from adjacent residence districts.

Provided, however, the Zoning Board of Appeals may permit, in the manner set forth in Section 4 and 4A, the open storage of goods, products, materials or equipment or other open use if accessory to a lawful main use conducted in a completely enclosed building on the same premises, provided that the total ground area devoted to such open use does not exceed twenty-five (25) per cent of the ground area covered by said building.

BUSINESS B DISTRICTS

Section 17. Use Regulations

In the Business B districts, no new building or part thereof shall be constructed or used and no building or part thereof shall be altered, enlarged, reconstructed or used and no land shall be used for any purpose except the following:

(a) Any purpose which is authorized in the Business A districts

(b) One or more of the following uses:

1. Public garage or gasoline filling station
2. Hotel or motel
3. Place of amusement or assembly
4. Printing or publishing establishment
5. Plant for manufacturing of electrical or electronic devices, appliances, apparatus, or supplies
6. Plant for manufacturing of medical, dental, or drafting instruments, optical goods, watches or other precision instruments
7. Plant for manufacturing of advertising displays, awnings or shades, beverages (non-alcoholic), brushes, books, clothing or other textile products, jewelry
8. Storage in bulk of, or warehouse for, lumber and other building supplies, contractors' equipment, food, furniture, hardware, metal, paper, pipe, shop supplies, tobacco, tools, wood, or any products of manufacturing activities authorized or permitted in the district

(c) Provided the approval of the Zoning Board of Appeals is obtained in the manner set forth in Section 4 and 4A, any other lawful business, service, storage or light manufacturing use which said Board shall specifically find is (a) not dangerous to the vicinity by reason of fire or explosion, or other causes, and (b) not likely to create more noise, vibration, dust, heat, smoke, fumes, odor or glare than the minimum amount normally resulting from any of the uses specifically hereinbefore set forth.

(d) Such accessory purposes as are customary or usual in connection with any of the foregoing purposes and are incidental thereto.

Section 17-A. Building Coverage and Court Regulations

In the Business B districts, all buildings used for residential purposes shall conform to the coverage and court regulations set forth in Section 16-A for Business A districts.

Section 17-B. Height and Area Regulations

The height and area regulations in the Business B districts are hereby established as set forth in the "Schedule of

Height and Area Regulation" attached hereto. All buildings in the Business B districts used for residential purposes shall conform to the yard regulations set forth in Section 16-B for Business A districts.

Section 17-C. Enclosure of Uses in Certain Locations

In the Business B districts, all uses which are authorized or permissible may be conducted within or without a completely enclosed building, except that permission of the Zoning Board of Appeals shall be required for open uses (whether main or accessory) if located wholly or partially within two hundred (200) feet of the boundary of a residence district subject to the same exceptions as apply to enclosure of uses in the Business A districts.

INDUSTRIAL DISTRICTS

Section 18. Use Regulations

In the Industrial districts, buildings or land may be used and buildings may be altered or erected for any legal use except the following:

(1) Abattoir and commercial slaughtering
(2) Manufacture of corrosive, poisonous or malodorous acids and chemicals
(3) Cement, lime, gypsum and plaster of Paris manufacture
(4) Fertilizer manufacture. Fat rendering in manufacture of tallow, grease and oils
(5) Glue, size and gelatin manufacture
(6) Petroleum and Kerosene refining or distillation and derivation of by-products
(7) Manufacture of explosives and the stores of explosives in bulk
(8) Smelting and reduction of copper, tin, zinc and iron ores
(9) Similar uses which are dangerous by reason of fire or explosion, or injurious, noxious or detrimental to the neighborhood by reason of the emission of dust, odor, fumes, smoke wastes, refuse matter, noise, vibrations or because of any other objectionable feature.
(10) A residence use for more than one family in a building used for an industrial purpose
(11) A yard for the storage or sale of used building or junk material

Section 18-A. Building Coverage and Court Regulations

In the Industrial districts, all buildings used for residential purposes shall conform to the building coverage and court regulations set forth in Section 17-A for Business B districts.

Section 18-B. Height and Area Regulations

The height and area regulations in the Industrial districts are hereby established as set forth in the "Schedule of Area Regulations" attached hereto. All buildings in the Industrial districts used for residential purposes shall conform to the height and yard regulations as set forth for Residence B districts.

OFF-STREET LOADING SPACE IN NON-RESIDENTIAL DISTRICTS

Section 18-1. Off-Street Loading Requirements

In the Business A, Business B, and Industrial districts, off-street loading space shall be established and maintained on the same premises with every building constructed, enlarged, or converted to a new use after the date of adoption of this amendment, but only where such construction, enlargement or conversion increases by more than eight thousand (8000) square feet, subsequent to said amendment, the total gross floor area of all buildings on the premises used, in whole or in part, for any of the following purposes:

(a) Store, salesroom or showroom

(b) Restaurant, personal or consumer service establishment

(c) Manufacturing plant, storage building or warehouse

(d) Any other use which is authorized or may be permitted in any non-residential district but not in any residence district, with the following exceptions:

1. Business or professional office or agency, bank or other financial institution
2. Public or semi-public building
3. Hotel or motel
4. Theater, meeting hall, club house, dancing or music academy
5. Place of amusement or assembly

Where the premises in question is vacant, or otherwise

contains no buildings used for a purpose requiring off-street loading, the initial provision of floor area devoted to such purposes shall be deemed to constitute an increase in the floor area so used, and come within the jurisdiction of this Section.

Section 18-2. Size and Number of Berths

The required off-street loading space shall consist of accommodations outside the lines of any street for loading and unloading of trucks and other commercial vehicles, and shall be in the form of one or more berths, located either within a building or in open space on the premises. Each berth shall be not less than twelve (12) feet wide and twenty-five (25) feet long, and shall have a minimum clear height, includng access to it, of fourteen (14) feet. The minimum number of berths to be estabished shall be as follows:

8,000 to 20,000 sq. ft. of gross floor area — 1 berth

Each additional 20,000 sq. ft. or fraction thereof — 1 additional berth.

Section 18-3. Premises Defined

For the purposes of these requirements, the premises shall be deemed to be the lot on which the building in question is located, together with any adjacent lots used by the same commercial enterprise. However, in the case of a single building divided by permanent partitions into a number of different stores, plants, or other compartments for the use of separate commercial enterprises, each such store, plant or compartment and the portion of the lot allocated thereto shall be deemed to constitute a separate premises.

Section 18-4. Exceptions

The Zoning Board of Appeals may permit a special exception to the off-street loading requirements hereof and require only such degree of compliance as it may deem reasonable, in the following particular cases:

(a) Where a substantial portion of the gross floor area on the premises is devoted to uses which, in the opinion of the Board, do not involve the regular receipt or shipping of goods by truck or other vehicle.

(b) Where the loading or unloading of trucks or other vehicles standing within an abutting private street or alley, or public way will not, in the opinion of the Board, cause sufficient obstruction to travel as to justify enforcement.

(c) In a Business A district only, where the premises does not abut a private street or alley, nor more than one public street, and where interruption of its frontage on the main public street by a loading berth and/or by an access driveway thereto would, in the opinion of the Board, be undesirable because of undue pedestrian hazard or unreasonable reduction in the building width available for display (generally, where the width is less than one hundred feet).

EXCEPTIONS

Section 19. Height Exceptions

The height limitations as set forth in the foregoing schedule shall not apply to chimneys, ventilators, skylights, water tanks, bulkheads, penthouses and other accessory additions which are required or are customarily carried above the roofs of buildings, nor to towers, spires, domes, cupolas, and similar additions to buildings if such additions are not used for living purposes.

Section 20. Lot Area and Width Exceptions

Minimum lot area and width requirements in Residence districts as set forth in Sections 13-A and 14-A, shall not apply to lots which prior to the passage of this by-law were shown as separate parcels on subdivisions plans approved by the Board of Survey or on plans or deeds duly recorded with the Registry of Deeds. In the case of such lots, the required side yards need not be more than 7 feet 6 inches or 15 per cent of the lot width, whichever is the greater.

Section 21. Yard Exceptions

1. Projecting eaves, chimneys, bay windows, balconies, open fire escapes and like projections which do not project more than three and one-half feet, and unenclosed steps, unroofed porches and the like, which do not project more than ten feet in the front yard and five feet in the side yard beyond the line of the foundation wall, may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built.

2. In the Residence A and B districts, no building need be set back from the street line more than the average of the set backs of the buildings on the lots adjacent thereto on either side, a vacant lot or a lot occupied

by a building set back more than 25 feet in Residence A district or more than 20 feet in a Residence B district being counted as though occupied by a building set back 25 feet and 20 feet respectively; but in no case shall any part of a building in a Residence A or B district be less than 10 feet from any street line.

3. In the Business districts, a rear yard shall not be required in the case of an interior lot running through a block from street to street when improved by a single principal building.

VALIDITY AND EFFECTIVENESS

Section 22. Validity

The invalidity of any section, paragraph or provision of this by-law, or of any district, or part thereof as shown upon the Zoning Map, or of any boundary line shown upon said map, shall not affect the validity of any other section, paragraph or provisions of this by-law, or of any other district or part thereof as shown upon the Zoning Map, or of any other such boundary line.

Section 23. Existing By-Laws Not Repealed

Nothing contained in this by-law shall be construed as repealing or modifying any existing by-law or regulation of the Town, but shall be in addition thereto, provided that, wherever this by-law imposes greater restrictions upon the construction or use of buildings than other by-laws or provisions of law, such greater restrictions shall prevail.

Section 24. When Effective

This by-law shall take effect upon acceptance by the Town and its approval by the Attorney General and publication according to law.

TOWN OF ARLINGTON, MASSACHUSETTS

ZONING BY-LAW

SCHEDULE OF HEIGHTS AND AREA REGULATIONS

DISTRICT DESIGNATION	HEIGHT LIMITATION			AREA REGULATIONS										
				YARD SPACES REQUIRED	FRONT YARD MINIMUM DEPTH IN FEET		SIDE YARD MINIMUM WIDTH IN FEET	REAR YARD MINIMUM DEPTH IN FEET		MINIMUM BUILDING AREAS AND COURT REGULATIONS	MAXIMUM LOT OCCUPANCY IN PER CENT	SIZE OF LOT	
	FEET		STORIES									MINIMUM FRONTAGE WIDTH IN FEET	MINIMUM AREA IN SQUARE FEET
RESIDENCE—A	40	Note: For Exceptions See Section 19	2½	A—Front Yard B—Two Side Yards C—Rear Yard	See: Sections 20 & 21 For Exceptions Note: These front yard set back requirements of 25 feet for residence A and 20 feet for Residence B Districts also apply to garages.	25	Two required 10 ft. each except to lots which prior to the passage of this by-law were shown as separate parcels on subdivision plans approved by the Board of Survey or on plans or deeds duly recorded with the Registry of Deeds. In the case of such lots, the required side yards need not be more than 7½ feet or 15% of the lot width, whichever is the greater.	But the rear yard need not be more than 20% of the full lot depth.	20	Section 13A—2	35	60	6000
RESIDENCE—B	40		2½	A—Front Yard B—Two Side Yards C—Rear Yard		20			20	Section 14A—2, a & b	35	60	6000
RESIDENCE—C	60		5	A—Front Yard B—Two Side Yards C—Rear Yard	Note: Distances between buildings on same lot. No building on the same lot shall be less than 15 feet from any other building in residence A, B and C Districts; in all other districts not less than 10 feet. This does not apply to private garages; for such regulations see Section No. 12A.	15	Two required 10 ft. each. In no case less than ¼ the height of building.	But in no case less than ½ the height of building	15	Section 15A—1 & 2	30 for 5 stories 35 " 3 " 35 for 4 stories	NOTE: This schedule covers Heights and Area Regulations and is made part of the Zoning By-Law.	
BUSINESS—A	60n		5n	A—Rear Yard		None Required	None Required	See: Section 21-3 For Exceptions	10	Section 16A	All districts have other regulations, therefore it is essential to check the entire by-law for a full understanding of its requirements.		
BUSINESS—B	60		5	A—Rear Yard		None Required	None Required		10	Section 17A			
INDUSTRIAL	60		5	A—Front Yard B—Two Side Yards C—Rear Yard		10	* Two Required 10 ft. Each		10*	Section 18A			

n. Except that where a particular business district has a maximum dimension of less than 500 feet and is bounded on all sides by a Residence A and/or Residence B district, the height limitation shall be 40 feet and 3 stories.

* Not required where abutting railroad track or railroad right of way.